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EXAMINER				
FERNANDEZ RIVAS, OMAR T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,054

Applicant(s)

MAJIDIAN, ANDREI

Examiner

OMAR F. FERNANDEZ RIVAS

Art Unit

2129

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) 3 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/003)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 7/8/2005.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT filed by the Applicant entered on December 21, 2007.
2. The Office Action of August 21, 2007 is incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-7 and 9-15 have been amended. Claim 8 has been cancelled. Claims 1-7 and 9-15 are pending on this application.

Claim Objections

4. In light of the amendments made to claims 6-8, 14 and 15, the objection to these claims has been withdrawn.
5. Claims 4 and 12 are objected to because of the following informalities: the claims above are independent claims that reference the limitations of another independent claim. For example, independent claim 4 references the limitations of independent claim 1. This referencing makes it difficult to keep track of the limitations in the independent claims and understanding the claimed invention. For the sake of clarity, the Applicant is advised to duplicate the limitations of claim 1 into claim 4 accordingly instead of referencing the limitations between independent claims.
6. Claims 3 and 11 are rejected based on their dependence upon a rejected base claim.

Response to Applicant's arguments

7. The Applicant's arguments regarding the objection to claims 4 and 12 have been fully considered but are not persuasive.

In reference to Applicant's arguments on page 11:

Accordingly, applicants claims 4, 6-8, 12, 14 and 15 are all legitimate dependent claims that are in complete compliance with the statutory provisions (and relevant regulations in title 37 of the Code of Federal Regulations).

Examiner's response:

As written the claims are in improper dependent form for failing to further limit the subject matter of a previous claim.

Regarding claim 4, the claim recites: "A method of generating a set of system operating rules from an initial set of system operating rules, and identifying conflicts in the initial set of system operating rules using the method of claim 1" Note that this claim fails to limit claim 1, since it does not limit any of the limitations recited in claim 1. As written, it seems that claim 1 actually limits claim 4. Also note that the preamble of claim 4 suggests that this claim is doing something different than claim 1 (generating a set of system operating rules from an initial set of system operating rules, and identifying conflicts in the initial set of system operating rules vs identifying conflicts in a set of system operating rules). Moreover, if claim 4 depends on claim 1, it is redundant to say that it is using the method of claim 1 since this would be provided by the dependency.

Regarding claim 12, the claim recites: "A system as in claim 9 which ,generates an optimized set of system operating rules from an initial set of system operating rules" Note that this preamble seems to be directed to producing a different result than that of claim 9 (a system for identifying conflicts in a set of system operating rules (claim 9) vs generating an optimized set of system operating rules from an initial set of system operating rules (claim 12)). As written it seems as if claim 9 limits claim 12, which is not a proper dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. In light of the amendments made on claim 3 and 11, the rejection under 35 USC 112 has been withdrawn.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wedde et al. ("Modular Authorization", SACMAT'01; referred to as **Wedde**).

11. In the citations of the prior art, C1 means the left column of the specified page and C2 means the right column of the specified page.

Claims 1 and 9

Wedde anticipates a method of identifying conflicts in a set of system operating rules (**Wedde**: page 97, abstract, L6-19; page 97, C2, L18 to page 98, L5), said method comprising: a) storing rule data representing a set of one or more system operating rules, each rule comprising at least one system command (**Wedde**: page 97, C2, L18-43; page 98, C1, L6-11; pages 99-100, Sections 3.1-3.2; pages 101-102, Section 4.4; Examiner's Note (EN); paragraph 19 applies. An organization is a system. Accessing a resource using a method is a system command. Every computer system must store data in order to retrieve the data to use in its operations); b) receiving semantic data representing a graph structure of hierarchical semantic relationships between available system commands, including those in the set of system operating rules (**Wedde**: page 97, abstract, L6-19; page 97, C2, L18-43; pages 99-100, sections 3.1 and 3.2; page 102, section 4.5; EN: paragraph 19 applies. The access hierarchy is a graph structure. Inheritance of authorization rules (semantic data) will provide a semantic relationship in the hierarchy); c) expanding the system operating rules according to the allowable hierarchical semantic relationships between the available system command portions, to give, for any particular system operating rule, an additional system operating rule for each hierarchical semantic level in the graph structure below the system command present in the particular rule (**Wedde**: page 97, abstract, L6-19; page 97, C2, L18-43; pages 99-100, sections 3.1 and 3.2; page 102, section 4.5; page 102, section 5, L1-8; EN: paragraph 19 applies. Inheriting rules from higher levels (linking) is expanding); and d) comparing the expanded system rules to identify those rules for which a

semantic conflict occurs therebetween (**Wedde**: page 97, abstract, L6-19; page 97, C2, L18 to page 98, L5; page 99, section 3.2; pages 102-103, section 5).

Claims 2 and 10

Wedde anticipates each stored rule comprises a subject portion identifying one or more system users, a system command portion identifying the system command to which the rule relates, and an object portion identifying one or more system objects to which the rule applies (**Wedde**: page 99, section 3.1; pages 100-102, sections 4-4.5; page 103, section 6.1); and when any of the system rules identify more than one system user in the subject portion, and/or more than one system objects in the object portion, then expanding such rules to produce replacement rules having a single system user in the subject portion, and a single system object in the object portion, said replacement rules being produced before the expansion step c) is performed (**Wedde**: page 99 C2, L22 to page 99, C1, L10; page 99, section 3.1; pages 102-103, section 5; EN: paragraph 19 applies. Identifying a user having different roles or having different rules for handling the access authorization to an object in different authorization spheres and solving the conflicts that may arise between these rules).

Claims 4 and 12

Wedde anticipates a method of generating a set of system operating rules from an initial set of system operating rules, and: identifying conflicts in the initial set of system operating rules using the method of claim 1 (see rejection of claim 1 above); wherein said method further comprises: (e) resolving any identified conflicts in the expanded set of initial rules to give a resolved expanded set of system operating rules

(**Wedde**: page 97, abstract, L 13-19; pages 98-99, section 2; pages 102-103, section 5; EN: paragraph 19 applies. Determining which of the conflicting rules applies or changing the rules to solve the conflict will generate a resolved expanded set of rules).

Further regarding claim 12, it has been held that the recitation that an element is "adapted to" (or in this case "configured to") perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Claim 6

Wedde anticipates operating a system applying the set of system operating rules generated by claim 4 in the system operation (**Wedde**: pages 102-103, sections 5-6.2; EN: see rejection of claim 4 above. The examples provided apply the set of operating rules in an organization (a system)).

Claim 7

Wedde anticipates a computer storage medium containing a computer program or suite of programs arranged such that when executed by a computer it causes the computer to perform the method of claim 1 (**Wedde**: page 97, C2, L26-34; page 98, C1, L6-11; EN: the Dragon Slayer file system. It is inherent that a program must be stored

in a storage medium if a computer is to execute the program).

Claim 13

A system according to claim 12, wherein the processing means is further **arranged to**: reduce the resolved expanded set of initial rules to canonical form to give an optimized set of system operating rules (EN: It has been held that the recitation that an element is "adapted to" (or in this case "arranged to") perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Claim 14

Wedde anticipates a system **arranged to** operate in accordance with the optimized set of system operating rules generated by the system of claim 12 (**Wedde**: pages 102-103, sections 5-6.2; EN: see rejection of claim 4 above. The examples provided apply the set of operating rules in an organization (system). Therefore the system is operating in accordance to the rules generated. It has been held that the recitation that an element is "adapted to" (or in this case "arranged to") perform a function is not a positive limitation but only requires the ability to so perform. It does not

constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation).

Claim 15

Wedde anticipates a system **arranged to** operate in accordance with the optimized set of system operating rules (**Wedde**: pages 102-103, sections 5-6.2; EN: see rejection of claim 4 above. The examples provided apply the set of operating rules in an organization (system). Therefore the system is operating in accordance to the rules generated. It has been held that the recitation that an element is "adapted to" (or in this case "arranged to") perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation).

Response to Applicant's arguments

12. The Applicant's arguments regarding the rejection under 35 USC 102 have been fully considered but are not persuasive.

13. In reference to Applicant's arguments on page 14:

Nowhere in Wedde is there anticipation of applicant's claimed invention. For example, claim 1 requires receiving semantic data representing a graph structure of hierarchical semantic relationships between available system commands, including those in the set of system operating rules; expanding the system operating rules according to allowable hierarchical semantic relationships between the available system command portions to give, for any particular system operating rule, an additional system operating rule for each hierarchical semantic level in the graph structure below the system command present in that particular rule. Claim 1 also requires comparing the expanded system rules to identify those rules for which a semantic conflict occurs therebetween.

While the Examiner has quoted applicant's claim language for claim 1 and made parenthetical reference to various portions of Wedde that allegedly disclose all of these features, when those cited portions of Wedde are actually examined, they do not support the allegation.

Examiner's response:

The arguments set forth above are merely a general denial of the rejection made. The Examiner has provided relevant portions of the prior art that he considers anticipate the claim limitations and explained in the Examiner Notes provided how he interprets

the reference to read on these limitations. The Applicant has failed to carry his burden of proving that the Examiner is wrong in his interpretation and proving that the claimed invention is in fact different from the prior art reference.

14. In reference to Applicant's arguments on pages 14-15:

For example, the Examiner alleges that claim element (c) can somewhere be found in Wedde at page 97, abstract, lines 6-19. It cannot. This text merely briefly mentions that conflicts, if they exist, need to be resolved. It offers no teaching whatsoever with respect to the applicant's specifically claimed particular way of resolving conflicts.

Similarly, at page 97, right column, lines 18-43. This text actually most describes the distributed authorization team concept and only briefly again mentions that there may be conflicts between inherited rules and that something has to detect and resolve those conflicts. Once again, there is no teaching whatsoever of any particular way to resolve those conflicts-let alone the applicant's particularly claimed way of identifying or resolving conflicts.

Similarly, at pages 99-100, sections 3.1 and 3.2, Wedde is merely describing the groups and roles and authorization spheres of his assumed modular authorization architecture. There is no teaching whatsoever in this cited text as to any particular way of resolving conflicts-let alone the applicant's particularly described and claimed way of identifying or resolving conflicts. Page 102, section 4.5 actually deals only with evaluation of access requests. It merely notes that if different grant rules have conflicting results (i.e., a so far undetected conflict or violation), the response is "error."

This would actually seem to suggest that whatever Wedde's technique for conflict identification or resolution might be, it is not a very good one.

Similarly, at page 102, section 5, lines 1-8, Wedde simply notes that if conflicting results are evaluated in a given single authorization sphere, the reason might be (a) that the rules created in the lower authorization sphere are contradicting to one inherited from a higher one (which Wedde indicates could be resolved in some undescribed "conventional" approach) or (b) that rules inherited from more than one authorization sphere happen to be contradicting. Once again, this portion of section 5 does not even begin to explain how Wedde proposes to actually identify or resolve conflicts.

In short, none of the text cited by the Examiner even begins to teach (or suggest) the applicant's specifically described and claimed technique for identifying conflicts in a set of system operating rules (e.g., see claim 1) - let alone the applicant's specific way of resolving such conflicts (e.g., see claim 4).

Examiner's response:

The Applicant seems to argue that Wedde does not anticipate the limitation "expanding the system operating rules according to the allowable hierarchical semantic relationships between the available system command portions, to give, for any particular system operating rule, an additional system operating rule for each hierarchical semantic level in the graph structure below the system command present in the particular rule" which is element c) of claim 1.

First, the Examiner has full latitude to interpret each claim in the broadest reasonable sense. If the language in the claim is so broad or not specific enough so

that it can be open to interpretation, the Examiner will examine the limitations giving the terms the broadest reasonable interpretation as understood by a person of ordinary skill in the arts. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Wedde discloses distributed authorization teams which are ordered into a hierarchy that **inherit rules** from higher order teams and apply local rules to detect conflicts of higher order rules (**Wedde**: page 97, abstract, L6-19; page 97, C2, L18-43). Clearly if there is an inheritance of rules or links within the teams in the hierarchy, then these rules are expanded (linked) according to allowable semantic relationships (the inheritance relationship). The different teams or sources in the hierarchy are considered system command portions. There are local rules for each team and conflicts or violations of rules inherited from higher ranking sources ("a particular system operating rule") are detected through the local rules ("an additional system operating rule for each hierarchical semantic level") (**Wedde**: page 97, abstract, L6-19). Also note the authorization sphere which defines access policy of a local authorization team expressed through a set of rules which should be valid for a well defined set of subordinate groups or their organizational functions (**Wedde**: pages 99-100, sections 3.1 and 3.2)

As for the argument that none of the text cited by the Examiner even begins to teach (or suggest) the applicant's specifically described and claimed technique for identifying conflicts in a set of system operating rules (e.g., see claim 1) - let alone the applicant's specific way of resolving such conflicts (e.g., see claim 4), the Examiner

notes that the claim does not restrict the invention to any particular and specific structure or process that sufficiently differentiates the instant invention from the prior art cited and no specific argument regarding just how the claimed invention is distinct from the prior art has been provided. The claim has been left too broad and open to the broadest reasonable interpretation and have been rejected accordingly.

Moreover, the Applicant argues "the applicant's specific way of resolving such conflicts". The Examiner asks: what specific way of solving conflicts is described in claims 1 or 4? Claim 1 merely recites comparing rules to identify conflicts in step d) and claim 4 recites resolving any identified conflicts in step e). Clearly, there is no "specific" way of solving these conflicts recited in the claims.

15. In reference to Applicant's arguments on page 16:

While it is certainly true that Examiners in the U.S. Patent and Trademark Office are supposed to construe claim language to have the broadest reasonable meaning to those skilled in the art at the relevant time, this is also supposed to be accomplished within the context of the specification. This also does not give complete license to the Examiner to reinterpret words to mean things that they obviously do not mean (either in the applicant's claims or in the cited references). As noted above, the substance of the prior art teachings relied upon by the Examiner does **not** meet the substance of the applicant's claimed features. Merely quoting the applicant's claim language and then citing to sections of prior art documents which may contain one or more words that are similar or the same as one or more words in the cited passage does not support a prima facie case of anticipation.

Examiner's response:

First, the claims and only the claims form the metes and bounds of the invention. While it is true that office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure, limitations appearing in the specification but not recited in the claim are not read into the claim. In *re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c2, I 45-48; p 2100-9, c 1, I 1-4). Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art; see In re Sprock, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

Applicant is invited to revisit MPEP 2111.01 "Plain Meaning, where "... claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. In *re American Academy of science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). Such guidance has been applied to the claims of the instant application. A broad interpretation of a claim by USPTO personnel will reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend a claim during prosecution to better reflect the intended scope of the claim.

Examination Considerations

16. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 105455, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
17. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.
18. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby

an inherent prima facie statement.

19. Examiner's Opinion: paragraphs 16-18 apply. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Claims 1, 2, 4, 6, 7, 9, 10 and 12-15 are rejected. Claims 3 and 11 are objected to. Claim 5 is allowed.

Correspondence Information

22. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandezrivas@uspto.gov.

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If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

/Omar F. Fernández Rivas/
Examiner, Art Unit 2129

Monday, March 03, 2008.